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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Argentina, Austria, Australia*, Bangladesh, Brazil, Bulgaria, Cameroon*, Canada, Chile, Côte d'Ivoire*, Croatia*, Czech Republic, Cyprus*, Democratic Republic of Korea*, Denmark, El Salvador, Ethiopia, Finland*, France, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Liechtenstein*, Luxembourg*, Madagascar, Netherlands, New Zealand*, Nicaragua, Norway*, Papua New Guinea*, Philippines, Poland*, Portugal*, Republic of Korea, South Africa, Spain*, Sri Lanka*, Sweden*, Switzerland*, Tunisia* and Turkey: draft resolution

1997/... The Elimination of violence against women

The Commission on Human Rights,

Reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women and other international human rights instruments, and that its elimination is an integral part of efforts towards the elimination of violence against women,

Recalling its resolution 1994/45 of 4 March 1994 in which it decided to appoint a special rapporteur on violence against women, its causes and consequences, as well as subsequent resolutions on the elimination of violence against women,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Welcoming the adoption by the General Assembly, in its resolution 48/104 of 20 December 1993, of the Declaration on the Elimination of Violence against Women, which recognizes that violence against women both violates and impairs or nullifies the enjoyment by women of human rights and fundamental freedoms, and expresses concern about the long-standing failure to protect and promote these rights and freedoms in relation to violence against women,

Recalling that the Vienna Declaration and Programme of Action (A/CONF.157/23), adopted by the World Conference on Human Rights, affirmed that gender-based violence and all forms of sexual harassment and exploitation, including those resulting from cultural prejudice and international trafficking, are incompatible with the dignity and worth of the human person and must be eliminated,

Deeply concerned that some groups of women, such as women belonging to minority groups, indigenous women, refugee women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, the girl child, women with disabilities, elderly women and women in situations of armed conflict, are especially vulnerable to violence,

Alarmed by the marked increase in acts of sexual violence directed notably against women and children, as expressed in the Final Declaration of the International Conference for the Protection of War Victims, held in Geneva from 30 August to 1 September 1993, and reiterating that such acts constitute grave breaches of international humanitarian law,

Stressing that the implementation of the Convention on the Elimination of All Forms of Discrimination against Women will contribute to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements this process, and welcoming the significant progress achieved in relevant sections of the Beijing Declaration and Platform for Action (A/CONF.177/20), such as those on violence against women, women and armed conflict and the human rights of women,

Bearing in mind that the Vienna Declaration and Programme of Action calls for action to integrate the equal status and human rights of women into the mainstream of United Nations system-wide activity, stresses the importance of working towards the elimination of violence against women in public and private life, and urges the eradication of all forms of discrimination against women,

1. Welcomes the report of the Special Rapporteur on violence against women, its causes and consequences (E/CN.4/1997/47 and Add.1-4), and encourages her in her future work;

2. Commends the Special Rapporteur for her analysis of violence in the family and violence in the community;

3. Condemns all acts of gender-based violence against women and in this regard calls, in accordance with the Declaration on the Elimination of Violence against Women, for the elimination of gender-based violence in the family, within the general community and where perpetrated or condoned by the State, and emphasizes the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, to punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by the State or by private persons, and to provide access to just and effective remedies and specialized assistance to victims;

4. Also condemns all violations of the human rights of women in situations of armed conflict, recognizes them to be violations of international human rights and humanitarian law and calls for a particularly effective response to violations of this kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

5. Encourages those States participating in the drafting of the statute of the International Criminal Court to give full consideration to integrating a gender perspective;

6. Requests all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, to supply all information requested and respond to the Special Rapporteur's visits and communications;

7. Takes note of the procedures established by the Special Rapporteur to seek information from Governments concerning specific cases of alleged violence in order to identify and investigate situations of violence against women, its causes and its consequences, in particular standard information forms; [1]

8. Requests human rights treaty bodies, other special rapporteurs responsible for various human rights questions, United Nations bodies and organs, specialized agencies and intergovernmental and non-governmental

organizations, including women's organizations, to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated, and in particular to respond to requests for information on violence against women, its causes and its consequences;

9. Stresses the conclusions and recommendations of the Special Rapporteur that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women, including violence against women in the family and in the community, and calls on States:

(a) To work actively to ratify and/or implement international human rights norms and instruments as they relate to violence against women;

(b) To include in reports submitted in accordance with the provisions of relevant United Nations human rights instruments gender-disaggregated data, whenever possible, pertaining to violence against women and measures taken to implement the Declaration on the Elimination of Violence against Women and the Beijing Platform for Action;

(c) To cooperate with all other competent mechanisms in the United Nations system in relation to violence against women;

(d) To condemn violence against women and not invoke custom, tradition or practices in the name of religion to avoid their obligations to eliminate such violence;

(e) To take action to eradicate violence in the family and violence in the community, for example through formulating national plans of action;

(f) To enact and/or reinforce penal, civil, labour and administrative sanctions in domestic legislation to punish and redress the wrongs done to women and girls subjected to any form of violence, whether in the home, the workplace, the community or society, bearing in mind the Special Rapporteur's recommendations;

(g) To enact and/or enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

(h) To create, improve or develop, as appropriate, and fund training programmes for judicial, legal, medical, social, educational and police and

immigration personnel, in order to avoid the abuse of power leading to violence against women and sensitize such personnel to the nature of gender-based acts and threats of violence so that fair treatment of female victims can be ensured;

(i) To enact and/or enforce legislation, and to amend penal codes where necessary, to ensure effective protection against rape, sexual harassment and all other forms of sexual violence against women and give vigorous support to the efforts of non-governmental and community organizations to eliminate such practices;

(j) To consider taking measures to implement the recommendations of the Special Rapporteur;

10. Reminds Governments that their obligations under the Convention on the Elimination of All Forms of Discrimination against Women must be fully implemented with regard to violence against women, taking into account General Recommendation No. 19, adopted by the Committee on the Elimination of Discrimination against Women at its eleventh session, and calls upon those countries which are still not parties to the Convention to work actively towards ratification of or accession to it so that universal ratification can be achieved by the year 2000;

11. Requests Governments to support initiatives of women's organizations and non-governmental organizations all over the world to raise awareness of the issue of violence against women and to contribute to its elimination;

12. Renews its request to the Secretary-General to continue to provide the Special Rapporteur with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions undertaken either separately or jointly with other special rapporteurs and working groups, and adequate assistance for periodic consultations with the Committee on the Elimination of Discrimination against Women and all other treaty bodies;

13. Decides that the mandate of the Special Rapporteur should be renewed for a period of three years;

14. Requests the Special Rapporteur to report annually to the Commission on Human Rights beginning at the fifty-fourth session on activities relating to her mandate;

15. Encourages the Special Rapporteur to examine and compile information on existing international human rights, humanitarian and other standards and instruments relating to trafficking of women and girls, in dialogue with Governments, inter-governmental organizations and non-governmental organizations;

16. Invites the Special Rapporteur to continue to cooperate with other special rapporteurs, special representatives, independent experts and chairpersons of the working groups of the special procedures of the Commission on Human Rights;

17. Requests the Secretary-General to ensure that the reports of the Special Rapporteur are brought to the attention of the Commission on the Status of Women at its forty-second session to assist in the Commission's work in the area of the human rights of women and violence against women, as well as to the attention of the Committee on the Elimination of Discrimination against Women;

18. Decides to continue consideration of the question as a matter of high priority at its fifty-fourth session.

Notes

1.E/CN.4/1997/47/Add.4, annex.

2.See E/CN.4/1997/47.